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PART I

IMPORTANT GOVERNMENT ORDERS

CHIEF SECRETARIAT.

Reviews the report on the Administration of Civil Justice in Mysore for the year 1937-38.

READ—

Letter No. P. 32—37-38, dated 14th October 1938, from the Registrar, High Court, forwarding a report on the Administration of Civil Justice in Mysore, for the year 1937-38.

ORDER No. P. 3709—CTS. 78-38-3, DATED BANGALORE, THE 10TH JANUARY 1939.

Recorded.

Work of the Courts Subordinate to the High Court.—The total number of Civil Courts at the end of the year under review was 44 (47). The number of suits instituted in all the Civil Courts subordinate to the High Court fell from 34,444 in 1936-37 to 32,861. Of this number, 16,356 (16,406) were ordinary and 16,505 (18,038) small cause suits. The number of ordinary suits was almost the same as in the year 1936-37. The decrease in the number of small cause suits is to some extent due to the operation of the Agriculturists' Relief Act. The institutions work out to one suit for every 195 (186) persons in the State. The average value of each suit was Rs. 222-14-7 (Rs. 226-3-6). Of the 44,943 suits for disposal, 34,091 (36,523) were disposed of during the year. The pending file was reduced from 11,428 to 10,852.

Government are glad to note that the disposal of old suits continued to receive due attention and that the pendency of such suits which stood at 4,901 in 1933-34, was reduced to 392 at the end of the year under review. There has been a steady improvement in the average duration of suits, contested and uncontested taken together. It may now be said that nearly 99 per cent of the suits instituted in the State are disposed of within a year.

Execution Applications.—There was some reduction in the total number of execution cases left pending at the end of the year. Out of 82,694 applications, 53,675 were disposed of, leaving 29,019 (29,834) pending. The percentage of infructuous applications (61·1) is still high, though there was a slight reduction compared with the previous year.

Insolvency Applications.—The gross amount realised out of insolvents' assets was Rs. 73,617-14-0 (Rs. 70,221-6-11) and the amount disbursed to the creditors was Rs. 54,185-0-4 (Rs. 72,215-12-11). Official Receivers were appointed temporarily for the Mysore and Shimoga Divisions.

Appellate Work.—Of 3,011 appeals for disposal, 1,574 (1,905) were disposed of, leaving 1,437 pending at the close of the year. The disposal of appeals was less than in the previous year. The Additional Subordinate Judge, Bangalore, whose whole time is devoted to appeals, and the Principal Subordinate Judge of Bangalore, the Additional Subordinate Judge of Tumkur, and the Subordinate Judges of Mysore and Shimoga, did much less than in 1936-37. Government trust that every endeavour will be made to reduce the pendency of appeals. There was, however, an improvement in the average duration of appeals disposed of during the year.

High Court.—The term of appointment of the Fourth Judge of the High Court was continued throughout the year. There was a slight increase in the institutions of First and Second appeals over those of the previous year. There was a decrease in the disposal of appeals. The average duration of First Appeals disposed of was 632·6 (515·9) days and of Second Appeals 499·1 (568·4) days.

Inspection.—The Judges of the High Court inspected sixteen Civil Courts during the year and the High Court Office was inspected by *Rajadharmaprasakta* Mr. Justice K. Shankaranarayana Rao. The District Judge of Bangalore Division inspected all the Courts in his Division except those inspected by the High Court, and the District Judge of Shimoga Division inspected all the Munsiffs' Courts in his Division. The District Judge, Mysore Division, inspected some of the Courts in his Division.

Court Fees Inspector.—With a view to prevent loss of revenue as a result of short recovery of Court fees, a Court Fees Inspector of the grade of a Second Grade Munsiff was appointed as a temporary measure from 2nd August 1937, and the appointment was continued throughout the year under review. The records of pending cases in all the thirty-eight Civil Courts in the State were inspected by that officer and a sum of Rs. 3,883-8-0 was recovered. It is satisfactory to note that the deficit found was not large. The cost incurred on account of this Inspector was less than the amount realised.

Government note with appreciation that the administration of Civil Justice in the State during the year is marked by progress in all directions under the efficient control and guidance of the High Court.

N. B.—Figures for the previous year are shown in brackets after the figures for 1937-38.

B. T. KESAVIENGAR,
Chief Secretary to Government.

GENERAL SECRETARIAT.

Approves of certain alterations in the Forms of Agreement II and III to be entered into by the teachers employed in aided institutions and deputed for training in Government Training Institutions and also by private stipendiaries admitted to Government Training Institutions.

READ—

Letter No. E. 881- Edn. 121-33-1, dated 1st September 1933, from the General Secretary to Government to the Director of Public Instruction in Mysore, amending the form of Agreement II—Condition (3)—to be entered into by the teachers employed in Aided Institutions deputed to undergo training in Government Training Institutions.

2. Letter No. A6. 4925-522 of 37-38, dated 4th August 1938, from the Director of Public Instruction, proposing certain alterations in the forms of Agreement to be entered into by the teachers employed in Aided Institutions and deputed for training in Government Training Institutions, and also by private stipendiaries admitted to Government Training Institutions.

ORDER NO. E. 1777-8—EDN. 104-38-2, DATED BANGALORE, THE 25TH NOVEMBER 1938.

The Director reports that it sometimes happens that the teachers of aided schools and also stipendiaries who are under training in Government Training Institutions are reverted during the continuance of the course for unsatisfactory progress, conduct or attendance from the Training Institutions and that when employees of the department or local education authorities are thus reverted, they are liable to repay the cost of training incurred by the department on their behalf, while the department has not the same hold over the aided school masters and private stipendiaries. He states that reversions among them are increasing and that in order to check them it is found necessary to incorporate in the Agreement executed by these teachers and stipendiaries, at the time of their admission to training institutions, an undertaking binding them to repay the cost incurred on their behalf in case of reversion before the end of the course owing to unsatisfactory progress as evidenced by failure to secure a pass in any of the school examinations or unsatisfactory attendance. He has therefore proposed certain necessary alterations and additions in Agreement Forms II and III. These are approved. The Agreement Forms as amended are annexed to this order.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

ANNEXURE I.

DEPARTMENT OF PUBLIC INSTRUCTION IN MYSORE.

(FORM OF AGREEMENT—II.)

(To be entered into by the teachers employed in Aided Institutions deputed to undergo training in Government Training Institutions.)

Know all men by these presents that I..... (name) son of ..... (father's name) of ..... (Village) ..... (Taluk) ..... (District) now employed as Assistant Master, ... (name of the aided school) ..... (place) am bound to the Government of His Highness the Maharaja of Mysore to the sum of Rupees..... ..... (in words) to be paid to the said Government of His Highness the Maharaja of Mysore or their certain attorney or assigns for which payment I bind myself, my executors and my administrators by these presents, signed by me, ... dated this ..... day of ..... 193 .

Whereas the abovebounden ..... has entered the ..... (name of the training institution) as a student for the purpose of being trained, receiving a stipend of Rs. ..... per mensem from Government for ..... course and whereas it has been agreed that the above bounden ..... shall enter into a bond in the abovementioned sum of Rs. ..... (in figures) being the total amount of stipend or grant payable to me by Government for the whole course with such condition as is here underwritten.

Now the condition of the above written bond is such that the bond shall be void if—

(1) I shall go through at the abovesaid institution the full course of training prescribed by the Government and shall during such course of training abide by all the rules regarding conduct, attendance and progress and abstain during the above period from any other avocation; and shall not make myself liable to reversion by the order of a competent authority for failure to conform to the rules regarding conduct, attendance and progress;

(2) I shall, after completion of such course of training, appear for the next ensuing examination prescribed by the Government, and if necessary and if permitted to do so, for every successive examination until I have been declared to have passed the same fully and finally; and